THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21328 2006

Dated:13-10-2006

Between:

Pilla Paparao.

..... PETITIONER

AND

The State of Andhra Pradesh, represented by
its Secretary to Government, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.21328 2006

ORDER:

The petitioner filed instant writ petition seeking a writ of Mandamus to declare the notification issued by the Government vide G.O.Ms.No.585 dated 04-05-2005 under Section 22-A of the Registration Act, 1908 as amended by Registration (A.P. Amendment) Act, 1999, as unconstitutional and ultra vires. The petitioner also seeks a consequential direction to the respondents to register and release the documents presented by him in respect of land admeasuring 300 sq.yards in survey Nos.56/2 and 57/2 situated at Pothana Mallayyapalem Village, Chinagadili Mandal, Visakhapatnam District.

In **State of Rajasthan v. Basant Nahata**[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its Judgment, dated 07-12-2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11-08-2006. Therefore, the impugned order cannot be sustained. It is further brought to the notice of this Court that by order dated 04-09-2006 in W.P.No.18373 of 2006, this Court has already set aside G.O.Ms.No.585 dated 04-05-2005 observing that as and when the sale deeds are presented by the petitioner, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record reasons.

Following the same, this writ petition is disposed of. No costs.

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(**V.V.S.RAO, J**)

13th October, 2006

ghn

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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456